IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4452 OF 1991

Annappa K. Devadiga & Anr. ..Petitioners

versus

State of Maharashtra & Anr. ..Respondents

Mr. S. Dhakephalkar h/f. Mr. P. K. Dhakephalkar for the Petitioners.

Mr. S.K. Chinchalikar, AGP for the Respondents - State.

CORAM : D. G. DESHPANDE, J.

DATE : 9TH OCTOBER, 2006

ORAL ORDER :

1. Heard learned counsel for the petitioners and learned AGP for the Respondents - State.

2. Petitioners were granted licence under the Bombay Prohibition Act, 1949 for running a liquor shop at Sangli. The Collector however passed an order on 27.9.1991 upon the complaints of the residents in the locality that this liquor shop is going to create law and order problem. Therefore, Collector thought it fit to suspend the licence

temporary until further orders. It means that enquiry was contemplated by the Collector with reference to the complaints made and whatever the defence the petitioners wanted to raise.

3. Counsel for the petitioners relying upon Section 142(1) of the Bombay Prohibition Act, 1949, contended that the Collector has no power to cancel the licence or suspend the licence and the Collector could have closed the place for certain time.

4. Now, closure of the business cannot be done unless licence is suspended. A man can carry on business only if he is a licensee. The issue of having licence and running a business are inter-connected and co-related. Therefore, if the Collector is given powers to close the business for a temporary period, then he was fully justified in suspending the licence pending enquiry. There is nothing illegal in the impugned order.

5. It appears that when the petition was admitted on 30.10.1991. Ad interim relief in terms of prayer clause (b) was granted, which means that no further enquiry pursuant to the order of the

Collector was held or could be held. Therefore, now, if the situation existing at the time of passing of the order still survives, in the opinion of the collector, he may proceed further in the enquiry, which he shall complete in any case within two months from the date of appearance of the petitioners before the Collector. Petitioners to appear before the Collector on 26.10.2006 with the certified copy of this order. All contentions are kept open. Interim order to continue for a period of two months from the date of first appearance of the petitioners before the Collector, as stated above. Petition disposed of accordingly. Rule discharged accordingly. Certified copy expedited.

(D.G. DESHPANDE, J.)